

EXHIBIT 2

to

DEFENDANT

BUILD OUR CENTER'S MOTION TO DISMISS

Case No. 3:24-cv-00526

Drew Ribar

Plaintiff,
vs.

*WASHOE COUNTY, NEVADA; WASHOE COUNTY
LIBRARY SYSTEM; BUILD OUR CENTER, INC.; JEFF
SCOTT; STACY MCKENZIE; JONNICA BOWEN;
LIBRARY EMPLOYEE DOE # 1; JENNIFER COLE;
DEPUTY C. ROTHKIN (Badge No. 4696); DEPUTY R.
SAPIDA (Badge No. 4663); SGT. GEORGE GOMEZ
(Badge No. 4066); and JOHN/JANE DOES 1-10;
Defendants.*

UNITED STATES DISTRICT COURT
[NORTHERN] DISTRICT OF NEVADA

DREW RIBAR,

Plaintiff,

Case No. 3:24-cv-00526

v.

WASHOE COUNTY, NEVADA; WASHOE
COUNTY LIBRARY SYSTEM; BUILD OUR
CENTER, INC.; JEFF SCOTT; STACY
MCKENZIE; JONNICA BOWEN; LIBRARY
EMPLOYEE DOE # 1; JENNIFER COLE;
DEPUTY C. ROTHKIN (Badge No. 4696);
DEPUTY R. SAPIDA (Badge No. 4663); SGT.
GEORGE GOMEZ (Badge No. 4066); and
JOHN/JANE DOES 1-10;

Defendants.

[PROPOSED]
ORDER GRANTING
DEFENDANT
BUILD OUR CENTER'S
MOTION TO DISMISS

This matter having come before the Court on *Defendant Build Our Center's Motion To Dismiss* filed herein on December 30, 2024 (the "Motion"); the Court, having reviewed the Motion together with the response and reply, if any, as well as such other pleadings and records on file as it thought necessary of desirable; the Court deeming itself fully advised in the premises, and finding good cause therefore, concludes that the Motion should be granted.

I. LEGAL STANDARD

Rule 8 requires a complaint include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed.R.Civ.P. 8(a)(2). A court may dismiss a complaint if it fails to state a claim upon which relief can be granted. FRCP 12(b)(6). To survive a Rule 12(b)(6) motion to dismiss, the

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complaint must contain sufficient facts which, if accepted as true, will state a claim of relief that is plausible on its face. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L.Ed.2d 929 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L.Ed.2d 868 (2009). “A claim has facial plausibility when its factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Kelsey K. v. NFL Enterprises, LLC*, 254 F. Supp. 3d 1140, 1143 (N.D. Cal. 2017), *aff’d*, 757 Fed. Appx. 524 (9th Cir. 2018) (citing *Ashcroft* at 678, 1937, 868). “While all allegations of material fact are taken as true and construed in the light most favorable to the nonmoving party, conclusory allegations of law and unwarranted inferences are insufficient to defeat a motion to dismiss.” *Id.* A complaint should not be dismissed unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to the relief. *Williams v. Gorton*, 529 F.2d 668, 672 (9th Cir. 1976).

II. LEGAL FINDINGS AND ORDER

The Court finds that, upon review of Mr. Ribar’s Complaint, he has failed to state a claim upon which relief can be granted. Mr. Ribar’s conclusory statement that Build Our Center “collaborated with the Library System to organize events and acted in joint participation with state actors” is not sufficient to survive a Motion to Dismiss. Furthermore, Mr. Ribar’s Complaint contains no facts alleging Build Our Center was a state actor to bring a cause of action under 42 U.S.C. § 1983 against a private entity.

WHEREFORE, for good cause appearing, the Court hereby grants Build Our Center’s Motion to Dismiss;

IT IS FURTHER ORDERED that Plaintiff Ribar’s Complaint is dismissed as to Build Our Center;

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1 IT IS FURTHER ORDERED that Build Our Center is awarded its
2 reasonable attorneys' fees and costs incurred by Build Our Center in connection
3 with bringing its Motion against Mr. Ribar, according to proof in a Motion to
4 Quantify Fees and Costs.

5 IT IS SO ORDERED this _____ day of _____, 202__.

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7 _____
8 UNITED STATES JUDGE

9 Respectfully Submitted By:

10 SIERRA CREST BUSINESS LAW GROUP

11 *Alison Kertis*

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